



TOWN OF ELSMERE

APPEAL TO THE BOARD OF ADJUSTMENT

11-17

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, citation, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the code as written or permit the proposed alternative action.

Date This Appeal was Filed:

10/11/11

Tax Parcel Number: 1900200219

Date of the Original Action: 9/22/2011; 9/27/2011

Subject Properties Address: 2112 Seneca
Wilmington, DE 19805

Property Owners Name:

Anthony Calvarese

Phone Number: 235-0644

Property Owners Address:

223 North Star Rd.

Newark, DE 19711

Applicants Name: Anthony Calvarese

Applicants Address: 223 North Star Rd, Newark, DE 19711

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number Etc.)

Citation 11-9-0665 and Citation 11-9-0675

Applicants Signature:

Anthony Calvarese

Date 10-11-11

October 11,2011

Town of Elsmere
11 Poplar Ave.
Elsmere, DE 19805

Re: 2112 Seneca
Wilmington, DE 19805
Citation # 11-9-0665 issued 9/22/2011
Citation # 11-9-0675 issued 9/27/2011

The following citations have been rectified and we are waiting for confirmation from the code inspector that everything was done to code.

At this time we would like to contest the violation assessment for the above code violations. We believe that the light in the front was damaged by vandalism beyond our control. The rear door had become rusted when a screen was put into the exterior door for ventilation during the hot weather and was left open during the rainy weather we had encountered towards the end of the summer months. We have since educated our tenants on opening and closing of the rear door screen to avert any possible future problems.

If you look at our property overall, we feel we do a good job in keeping everything clean, organized, and up to date in structural appearance. We try to keep the landscaping neat and pleasing to create a pleasant curb appeal.

At this time, we ask the Board of Adjustment for The Town of Elsmere to suspend the fines for Citation 11-9-0665, dated 9/22/2011 for rear exterior door needing painting and Citation 11-9-0675, dated 9/27/2011 for fixture missing light cover.

Anthony Calvarese
Phone: 235-0644



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*******CITATION*******

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY Anthony Calvarese 223 North Star Rd Newark, DE 19711	CITATION #	11-9-0665
	OFFICER	Brian Swift
	VIOLATION DATE	9/22/2011
	PROPERTY ADDRESS	2112 Seneca Rd Wilmington, DE 19805
	ABATEMENT DATE	N/A

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
303.2 All exterior surfaces shall be maintained in good condition. Exterior wood surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. (Exterior door needs painting)	2000 IPMC 303.2	10/22/2011	\$50.00
<p align="center">*****CITATION INFORMATION*****</p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p align="center">ABATEMENT COST</p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.</p>			



The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

DUE DATE	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
10/22/2011	1900200219	11-9-0665	\$50.00

Make Checks Payable To:
Mail Your Payment To:

The Town of Elsmere
The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. **MEANS OF APPEAL SHOWN ON THE BACK**

TOWN OF ELSMERE

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: HEATHER A. HEROLD
TEL: (302)998-2215
FAX: (302)998-9920

INVOICE NO.

I2-00319

INVOICE DATE: 09/22/11

DUE DATE: 10/22/11

CUSTOMER #: C11-0665

ANTHONY CALVARESE
223 NORTH STAR RD
NEWARK, DE 19711

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 2112 SENECA RD - PAINT DOOR 2112 SENECA RD 2000 303.2 EXTERIOR DOOR NEEDS PAINTING	50.0000	50.00
			TOTAL INVOICE	<hr/> 50.00

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

ANTHONY CALVARESE
223 NORTH STAR RD
NEWARK, DE 19711

Invoice Id: I2-00319

Customer Id: C11-0665

Due Date: 10/22/11

Total Due: 50.00





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY Anthony Calvarese 223 North Star Rd Newark, DE 19711	CITATION #	11-9-0675
	OFFICER	Brian Swift
	VIOLATION DATE	9/27/2011
	PROPERTY ADDRESS	2112 Seneca Rd Wilmington, DE 19805
	ABATEMENT DATE	N/A

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.(missing cover to light fixture)	2000 IPMC 605.1	10/27/2011	\$50.00
<p align="center">*****CITATION INFORMATION*****</p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p align="center">ABATEMENT COST</p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.</p>			



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Please return this section with your payment.

DUE DATE	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
10/27/2011	1900200219	11-9-0675	\$50.00

Make Checks Payable To:
Mail Your Payment To:

The Town of Elsmere
The Town of Elsmere
Finance Department
11 Poplar Avenue
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
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TOWN OF ELSMERE

11 POPLAR AVE
ELSMERE, DE 19805
ATTN: HEATHER A. HEROLD
TEL: (302)998-2215
FAX: (302)998-9920

INVOICE NO.

I2-00329

INVOICE DATE: 09/27/11

DUE DATE: 10/27/11

CUSTOMER #: C11-0675

ANTHONY CALVARESE
223 NORTH STAR RD
NEWARK, DE 19711

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 2112 SENECA RD - LIGHT FIXTURE 2112 SENECA RD 2000 IPMC 605.1 MISSING COVER TO LIGHT FIXTURE	50.0000	50.00
			TOTAL INVOICE	<hr/> 50.00

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

ANTHONY CALVARESE
223 NORTH STAR RD
NEWARK, DE 19711

Invoice Id: I2-00329

Customer Id: C11-0675

Due Date: 10/27/11

Total Due: 50.00

